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APPLICATION NO.	FI	LING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
10/699,555	,555 10/31/2003		Beth Marcus	19146-002001	3602		
20985	7590	06/14/2006		EXAMINER			
FISH & RI		SON, PC	OSORIO, RICARDO				
	P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			ART UNIT	PAPER NUMBER		
	,·			2629			
				DATE MAILED: 06/14/2006	DATE MAILED: 06/14/2006		

Please find below and/or attached an Office communication concerning this application or proceeding.

		Applicatio	n No.	Applicant(s)				
	·	10/699,555		MARCUS ET AL.				
Office Action Summary		Examiner		Art Unit				
		RICARDO	L. OSORIO	2629				
Danied fo	The MAILING DATE of this communication app							
Period fo		/ IO OFT T	S EVENE (MONTH)	0\ 00 THETY (00\ DAYO				
WHIC - Exte after - If NC - Failu Any	ORTENED STATUTORY PERIOD FOR REPLY CHEVER IS LONGER, FROM THE MAILING DANS IN THE MAIL	ATE OF TH 36(a). In no eve will apply and will , cause the appli	IS COMMUNICATION nt, however, may a reply be timed the spire SIX (6) MONTHS from cation to become ABANDONE	N. sely filed the mailing date of this communication. D (35 U.S.C. § 133).				
Status								
1)⊠	Responsive to communication(s) filed on 31 Oc	ctober 2003] , .					
· -	This action is FINAL. 2b) This action is non-final.							
3)	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is							
	closed in accordance with the practice under E	x parte Qua	ayle, 1935 C.D. 11, 45	53 O.G. 213.				
Disposit	ion of Claims							
4)⊠	Claim(s) <u>1-55</u> is/are pending in the application.	•						
	4a) Of the above claim(s) is/are withdraw	wn from cor	sideration.					
5)□	Claim(s) is/are allowed.							
	Claim(s) is/are rejected.							
•	Claim(s) is/are objected to.							
8)⊠	Claim(s) <u>1-55</u> are subject to restriction and/or e	election req	uirement.					
Applicat	ion Papers							
9)[The specification is objected to by the Examine	er.						
10)[The drawing(s) filed on is/are: a) acce	epted or b)[\square objected to by the ${ t E}$	Examiner.				
	Applicant may not request that any objection to the							
	Replacement drawing sheet(s) including the correct	•	• • • • •					
11)	The oath or declaration is objected to by the Ex	aminer. No	te the attached Office	Action or form P1O-152.				
Priority (under 35 U.S.C. § 119							
•—	Acknowledgment is made of a claim for foreign ☐ All b) ☐ Some * c) ☐ None of:	priority und	ler 35 U.S.C. § 119(a)	-(d) or (f).				
۵,	1. Certified copies of the priority documents	s have beer	n received.					
	2. Certified copies of the priority documents			on No				
	3. Copies of the certified copies of the prior	rity docume	nts have been receive	ed in this National Stage				
	application from the International Bureau	u (PCT Rule	e 17.2(a)).					
* (See the attached detailed Office action for a list	of the certif	ied copies not receive	ed.				
	·							
Attachmen	ot(s)							
1) Notic	ce of References Cited (PTO-892)	,	4) Interview Summary					
	ce of Draftsperson's Patent Drawing Review (PTO-948) mation Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	<i>F</i> 1	Paper No(s)/Mail Da 5) Notice of Informal P	ate atent Application (PTO-152)				
	er No(s)/Mail Date		6) Other:					

DETAILED ACTION

Election/Restrictions

1. This application contains claims directed to the following patentably distinct species: Figs. 3a-3d are directed to species 1; Figs. 4a-4b are directed to species 2; Figs. 5a-5b are directed to species 3; Figs. 6a-6b are directed to species 4, and Figs. 7a-7b are directed to species 5. Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, there are no generic claims.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and

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specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

- 2. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).
- 3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ricardo L. Osorio whose telephone number is 571-272-7676. The examiner can normally be reached on Monday through Thursday from 7:00 A.M. to 5:30 P.M. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala whose telephone number is 571-272-7681.

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Any response to this action should be mailed to:

or faxed to: 571-273-8300 (for Technology Center 2600 only)

Hand-delivered responses should be brought to the Customer Service Window at the Randolph Building, 401, Dulany Street, Alexandria, VA 22314.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be

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obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ticardo Osorio

Technology Division: 2629

RLO June 12, 2006